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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 v.

14 ISHAN WAHI et al,

15 Plaintiff,

16 Defendants.

17 CASE NO. 2:22-cv-01009-TL

18 ORDER REGARDING THE FILING
19 OF *AMICUS CURIAE* BRIEFS

20 On July 21, 2002, the United States Securities and Exchange Commission (“SEC”) sued
21 Defendants Ishan Wahi, Nikhil Wahi, and Sameer Ramani for alleged insider trading of certain
22 crypto asset securities in violation of Sections 21(d), 21A, and 27 of the Securities Exchange Act
23 of 1934, 15 U.S.C. §§ 78u, 78u-1, and 78aa. Dkt. No. 1. Defendants Ishan Wahi and Nikhil Wahi
24 filed a Motion to Dismiss on February 6, 2023. Dkt. No. 33. To date, five motions for leave to
file *amicus curiae* briefs have been filed. Dkt Nos. 39, 43, 56, 67, and 78. The SEC has not yet

1 filed its response. Briefing on the motion to dismiss will be completed on May 8, 2023. Dkt. No.
2 25.

3 Courts have broad discretion to permit or prohibit amicus participation. *Hoptowit v. Ray*,
4 682 F.2d 1237, 1260 (9th Cir. 1982), *overruled on other grounds by Sandin v. Conner*, 515 U.S.
5 472 (1995); *accord United States v. Phan*, No. CR18-86, 2018 WL 11393436, at *1 (W.D.
6 Wash. July 25, 2018) (explaining that a court may “grant or refuse leave according [to whether]
7 it deems the proffered information timely, useful, or otherwise” (quotation omitted)). Courts may
8 consider *amicus* briefs from non-parties “concerning legal issues that have potential
9 ramifications beyond the parties directly involved or if the *amicus* has unique information or
10 perspective that can help the court beyond the help that the lawyers for the parties are able to
11 provide.” *Beldock v. Microsoft Corp.*, No. C22-1082, 2022 WL 17551138, at *1 (W.D. Wash.
12 Dec. 9, 2022) (citing additional cases). But *amicus* briefs provide unique or helpful information
13 only to the extent that they are not duplicative of arguments made by the Parties or other *amici*.

14 To ensure that any additional *amicus* briefs will provide unique or helpful information
15 beyond what the Parties (and other *amici*) can provide and that will not be duplicative, no other
16 person or entity shall be permitted to file an *amicus* brief in this case until the close of briefing
17 on the motion to dismiss. If appropriate, the Court will set a schedule for the filing of additional
18 *amicus* briefs after the pending motion to dismiss is fully briefed.

19 Dated this 17th day of March 2023.

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21 _____
22 Tana Lin
23 United States District Judge
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